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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**PORTLAND DIVISION**

R. ALEXANDER ACOSTA, Secretary of  
Labor, U.S. Department of Labor,

Plaintiff,

v.

SENVOY, LLC; DRIVER RESOURCES,  
LLC; ZOAN MANAGEMENT, INC.; and  
GERALD E. BRAZIE, JR.,

Defendants.

Case No. 3:16-cv-2293-PK

**DECLARATION OF MARC A.  
PILOTIN IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
PARTIAL SUMMARY  
JUDGMENT AND PROSPECTIVE  
INJUNCTION**

I, MARC A. PILOTIN, hereby declare as follows:

1. I am a Trial Attorney in the Office of the Solicitor for the U.S. Department of Labor. In that capacity, I represent Plaintiff R. Alexander Acosta, United States Secretary of Labor. If called as a witness, I could and would testify competently to the matters set forth in this Declaration.

2. The parties have met and conferred about the issues raised in the Secretary's Motion for Partial Summary Judgment.

### **DEPOSITION EXCERPTS**

3. Attached as **Exhibit A** are true and correct copies of excerpts from the transcript of the September 20, 2016 Sworn Statement of Gerald Brazie.

4. Attached as **Exhibit B** are true and correct copies of excerpts from the transcript of the September 6, 2017 Deposition of Theodore Allen Snyder.

5. Attached as **Exhibit C** are true and correct copies of excerpts from the transcript of the September 7, 2017 Deposition of Jaime Wiggins.

6. Attached as **Exhibit D** are true and correct copies of excerpts from the transcript of the September 26, 2017 Deposition of Gerald E. Brazie, Jr. ("Brazie Deposition").

7. Attached as **Exhibit E** are true and correct copies of excerpts from the transcript of the September 25, 2017 Deposition of Jennifer Kahut ("Kahut Deposition").

8. Attached as **Exhibit F** are true and correct copies of excerpts from the transcript of the July 15, 2014 hearing in *In re Senvoy*, Case No. T71593, State of Oregon Employment Department.

9. Attached as **Exhibit G** are true and correct copies of excerpts from the transcript of the August 30, 2017 Deposition of Christine Lewis.

10. Attached as **Exhibit H** are true and correct copies of excerpts from the transcript

of the September 8, 2017 Deposition of Gary Conkey.

11. Attached as **Exhibit I** are true and correct copies of excerpts from the transcript of the April 26, 2017 Deposition of Defendants' Rule 30(b)(6) Designee Channing Becker.

12. Attached as **Exhibit J** are true and correct copies of excerpts from the transcript of the September 21, 2017 Deposition of Jennifer Kessinger.

### **DOCUMENTS AND OTHER DISCOVERY MATERIALS**

13. Attached as **Exhibit 1** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL001983 through SENVO13Y-DOL002025, which was marked as Deposition Exhibit 99 during the Brazie Deposition.

14. Attached as **Exhibit 2** is a true and correct copy of Defendant Senvoy, LLC's Answers to Secretary's First Set of Interrogatories.

15. Attached as **Exhibit 3** is a true and correct copy of a document bearing the Bates numbers DOL\_SENVOY000444 through DOL\_SENVOY000454, which Senvoy produced to the Department of Labor in response to an administrative subpoena.

16. Attached as **Exhibit 4** is a true and correct copy of a document bearing the Bates numbers DR-DOL000003 through DR-DOL000051, which was marked as Deposition Exhibit 72 during the Kahut Deposition.

17. Attached as **Exhibit 5** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL001268 through SENVOY-DOL001280, which Senvoy produced to the Department of Labor in response to an administrative subpoena.

18. Attached as **Exhibit 6** is a true and correct copy of a document bearing the Bates numbers ZOAN-DOL002189 through ZOAN-DOL002191, which was marked as Deposition Exhibit 93 during the Brazie Deposition.

19. Attached as **Exhibit 7** is a true and correct copy of a document bearing the Bates

numbers ZOAN-DOL002151 through ZOAN-DOL002154, which was marked as Deposition Exhibit 91 during the Brazie Deposition.

20. Attached as **Exhibit 8** is a true and correct copy of a document bearing the Bates numbers ZOAN-DOL002147 through ZOAN-DOL002148, which was marked as Deposition Exhibit 10 during the Lewis Deposition.

21. Attached as **Exhibit 9** is a true and correct copy of a document bearing the Bates numbers ZOAN-DOL001597, which was marked as Deposition Exhibit 13 during the Lewis Deposition.

22. Attached as **Exhibit 10** is a true and correct copy of a document bearing the Bates numbers ZOAN-DOL001653 through ZOAN-DOL001655, which was marked as Deposition Exhibit 92 during the Brazie Deposition.

23. Attached as **Exhibit 11** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL000981 through SENVOY-DOL000982, which was marked as Deposition Exhibit 20 during the Lewis Deposition.

24. Attached as **Exhibit 12** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL000696 through SENVOY-DOL000697, which was marked as Deposition Exhibit 22 during the Lewis Deposition.

25. Attached as **Exhibit 13** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL000860, which was marked as Deposition Exhibit 60 during the September 21, 2017 Deposition of Jennifer Kessinger.

26. Attached as **Exhibit 14** is a true and correct copy of a document bearing the Bates numbers ZOAN-DOL001978 through ZOAN-DOL001979, which was marked as Deposition Exhibit 80 during the Kahut Deposition.

27. Attached as **Exhibit 15** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL000871 through SENVOY-DOL000873, which was marked as Deposition Exhibit 41 during the Wiggins Deposition.

28. Attached as **Exhibit 16** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL000763 through SENVOY-DOL000765, which was marked as Deposition Exhibit 37 during the Snyder Deposition.

29. Attached as **Exhibit 17** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL000732 through SENVOY-DOL000734, which was marked as Deposition Exhibit 38 during the Snyder Deposition.

30. Attached as **Exhibit 18** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL000906 through SENVOY-DOL000908, which was marked as Deposition Exhibit 33 during the Snyder Deposition.

31. Attached as **Exhibit 19** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL000866 through SENVOY-DOL000868, which was marked as Deposition Exhibit 49 during the Wiggins Deposition.

32. Attached as **Exhibit 20** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL000821 through SENVOY-DOL000823, which was marked as Deposition Exhibit 40 during the Wiggins Deposition.

33. Attached as **Exhibit 21** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL000484 through SENVOY-DOL000495, which was marked as Deposition Exhibit 47 during the Wiggins Deposition.

34. Attached as **Exhibit 22** is a true and correct copy of a document bearing the Bates numbers ZOAN-DOL002254 through ZOAN-DOL002255, which was marked as Deposition

Exhibit 25 during the Lewis Deposition.

35. Attached as **Exhibit 23** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL000496 through SENVOY-DOL000498, which was marked as Deposition Exhibit 48 during the Wiggins Deposition.

36. Attached as **Exhibit 24** is a true and correct copy of a document bearing the Bates numbers DOL\_SENVOY000604 through DOL\_SENVOY000613, which Senvoy produced to the Department of Labor in response to an administrative subpoena.

37. Attached as **Exhibit 25** is a true and correct copy of a document bearing the Bates numbers ZOAN-DOL002067 through ZOAN-DOL002068, which was marked as Deposition Exhibit 79 during the Kahut Deposition.

38. Attached as **Exhibit 26** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL001123 through SENVOY-DOL001124, which was marked as Deposition Exhibit 26 during the Snyder Deposition.

39. Attached as **Exhibit 27** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL001544 through SENVOY-DOL001547, which was marked as Deposition Exhibit 106 during the Brazie Deposition.

40. Attached as **Exhibit 28** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL001717 through SENVOY-DOL001726, which was marked as Deposition Exhibit 107 during the Brazie Deposition.

41. Attached as **Exhibit 29** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL001946 through SENVOY-DOL001954, which was marked as Deposition Exhibit 108 during the Brazie Deposition.

42. Attached as **Exhibit 30** is a true and correct copy of a document bearing the Bates

numbers DOL\_SENVOY004599 through DOL\_SENVOY004644, which was marked as Deposition Exhibit 109 during the Brazie Deposition.

43. Attached as **Exhibit 31** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL001958 through SENVOY-DOL001962, which was marked as Deposition Exhibit 110 during the Brazie Deposition.

44. Attached as **Exhibit 32** is a true and correct copy of a document bearing the Bates numbers SENVOY-DOL001517 through SENVOY-DOL001520, which was marked as Deposition Exhibit 85 during the Brazie Deposition.

45. Attached as **Exhibit 33** is a true and correct copy of excerpts of the document bearing the Bates numbers SENVOY-DOL000393 through SENVOY-DOL000410, which was marked as Deposition Exhibit 100 during the Brazie Deposition.

46. Attached as **Exhibit 34** is a true and correct copy of excerpts of the document bearing the Bates numbers SENVOY-DOL000411 through SENVOY-DOL000427, which was marked as Deposition Exhibit 101 during the Brazie Deposition.

47. Attached as **Exhibit 35** is a true and correct copy of excerpts of the document bearing the Bates numbers SENVOY-DOL000428 through SENVOY-DOL000458, which was marked as Deposition Exhibit 102 during the Brazie Deposition.

48. Attached as **Exhibit 36** is a true and correct copy of a document bearing the Bates numbers DR-DOL055561 through DR-DOL055572, which was marked as Deposition Exhibit 103 during the Brazie Deposition.

49. Attached as **Exhibit 37** is a true and correct copy of a document bearing the Bates numbers DR-DOL055573 through DR-DOL055585, which was marked as Deposition Exhibit 104 during the Brazie Deposition.

50. Attached as **Exhibit 38** is a true and correct copy of a document bearing the Bates numbers DR-DOL055586 through DR-DOL055607, which was marked as Deposition Exhibit 105 during the Brazie Deposition.

51. Attached as **Exhibit 39** is a true and correct copy of a document bearing the Bates number DOL\_SENVOY000002.

52. Attached as **Exhibit 40** is a true and correct copy of a document bearing the Bates number DOL\_SENVOY000001.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed in San Francisco, California on January 19, 2018.

s/ Marc A. Pilotin  
MARC A. PILOTIN  
Trial Attorney